IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 28TH SEPTEMBER 2006 / 6TH ASWINA 1928

Bail Appl..No. 5794 of 2006

CRIME NO.296/2006 OF CHANDERA POLICE STATION

PETITIONERS/ACCUSED 1 TO 7 AND 9

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1. M.PRADEEPAN, S/O.NARAYANAN,
   MADACHERY VEEDU, CHOORIKOVEAN, KODAKKAD P.O.,
   CHERUVATHUR.

2. A.SHAIJU, S/O.M.V.KUNHIKANNAN,
   CHOORIKOVEAN, KODAKKAD P.O., CHERUVATHUR.

3. K.V.PRAMOD, S/O.LATE GOVINDAN,
   KOOLOTH VALAPPIL, CHOORIKOVEAN, KODAKKAD P.O.,
   CHERUVATHUR.

4. K.V.PRAVEN, S/O.KUNHANBU,
   KUNDUVALAPPIL, CHOORIKOVEAN, KODAKKAD P.O.,
   CHERUVATHUR.

5. K.V.RAJESH, S/O.U.RAGHAVAN,
   KAVUTHEYAN VEEDU, KEDACHERY, KODAKKAD P.O.,
   CHERUVATHUR.

6. K.V.PREMAN, S/O.U.RAGHAVAN,
   KAVUTHEYAN VEEDU, KEDACHERY, KODAKKAD P.O.,
   CHERUVATHUR.

7. K.SUDHIR, S/O.P.NARAYANAN,
   KANNADI VEEDU, CHOORIKOVEAN, KODAKKAD P.O.,
   CHERUVATHUR.

8. ANIL P.P., S/O.C.KRISHNAN,
   PADINJAREPURAYIL, CHOORIKOVEAN, KODAKKAD P.O.,
   CHERUVATHUR.

BY ADV. SRI.SURESH KUMAR KODOTH

RESPONDENTS: RESPONDENT & STATE

STATION HOUSE OFFICER,
CHANDERA POLICE STATION REPRESENTED THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/09/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5794/2006

DATED THIS THE 28TH DAY OF SEPTEMBER, 2006

O R D E R

The second petitioner, Shaiju, had assaulted the brother of the defacto complainant on 5.9.2006 at night. Therefore, the latter was admitted in a private hospital. At about 10.00 p.m on the same night, nine persons had trespassed in the hospital and assaulted the defacto complainant, who was the bye-stander of his brother. Therefore, at the instance of the defacto complainant, crime No.296/2006 of Chandera Police Station was registered, for the offence punishable under Sections 143, 147, 452 and 323 IPC read with Section 149 IPC. Now the petitioners, accused 1 to 8 in the above crime, (though there were originally nine accused, during the investigation, eighth accused had been deleted and other accused are arrayed as accused 1 to 8) are before this Court, under Section 438 Cr.P.C.

2. The learned counsel for the petitioners submitted that no crime had been registered by the first

instance. However, the materials produced before me show that the brother of the defacto complainant in this crime, had sustained injuries and he was admitted in the hospital. The argument of the learned counsel, that the petitioners had visited the hospital at 10.00 p.m, cannot be accepted, at his stage.

3. In the above facts situation of the case, I direct the petitioners, accused 1 to 8, to surrender before the Investigating Officer, who is investigating crime No.296/2006 of Chandera Police Station, on 5.10.2006 between 9.30 a.m and 10.00 a.m.

4. The Investigating Officer shall interrogate the petitioners and thereafter, produce them before the Court below. The learned Magistrate shall allow the petitioners to be on bail, imposing such conditions, as are deemed necessary.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs